



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ADI-097	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>April 26, 2006</u> Signature <u><i>Carrah Malone</i></u> Typed or printed name <u>Carrah Malone</u>	Application Number 10/717,985	Filed November 20, 2003	
	First Named Inventor Taniguchi		
	Art Unit 1733	Examiner Musser, Barbara J.	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- attorney or agent of record.
Registration number 50,773
- attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

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April 26, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Taniguchi *et al.* **CONFIRMATION NO.:** 8149
SERIAL NUMBER: 10/717,985 **ART UNIT:** 1733
U. S. FILING DATE: November 20, 2003 **EXAMINER:** Musser, Barbara J
TITLE: CONVEX MULTI-LAYER PANELS FOR A GAME
BALL AND RELATED METHODS

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Commissioner for Patents
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TRANSMITTAL OF REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

This paper is submitted, along with a Pre-Appeal Brief Request for Review in accordance with the Official Gazette Notice dated July 12, 2005, and a Notice of Appeal, in response to the Office Action, mailed by the U.S. Patent and Trademark Office on January 26, 2006. A fee for filing of the Notice of Appeal is submitted herewith. Applicants believe that no other fee is required for this submission to be entered. However, please consider this a conditional petition for the proper extension, if one is required, and a conditional authorization to charge any related extension fee, or any other fees, necessary for entry of this submission to Deposit Account No. 07-1700.

Applicants' **Remarks** begin on page 2 of this paper.

REMARKS

The examiner has, once again, improperly rejected each of pending claims 1-5, 8-23, and 25-31, as either anticipated by the Japanese patent publication No. JP 1-265979 and/or U.S. Patent No. 6,206,795 to Ou, or unpatentable in view of these references, either alone or in combination with U.S. Patent No. 5,624,517 to Giesen *et al.* (“Giesen”), U.S. Patent No. 4,157,424 to Boutle (“Boutle”) and/or British patent publication No. GB 1,095,969.

As Applicants previously explained, none of the cited references teaches or suggests the claimed methods of manufacturing either:

- a multi-layer outer panel for a game ball that includes three-dimensionally forming a generally convex top layer and at least one generally convex backing layer, or
- a game ball that includes providing a plurality of multi-layer panels, wherein each panel is formed in a generally convex shape prior to being interconnected with adjacent panels over a substantially spherical bladder.

Thus, the Applicants’ claimed invention clearly contemplates manufacturing a game ball from multi-layer convex panels that are three-dimensionally formed prior to the assembly of the ball. In contrast, each of the cited primary references discloses flat flexible cover panels that assume a convex shape once assembled to form a ball. See, for example, FIG. 3 of JP 1-265979 and col. 3, lines 10-40 of Ou.

In maintaining the rejections, the Examiner clearly misinterpreted teachings of these references and disregarded explicit claim language. Specifically, with respect to the rejections based on JP 1-265979, the Examiner erroneously believes that

- (a) the reference’s conventional teachings of manufacturing game balls by interconnecting flat panels to assume a hollow spherical structure — thereby rendering outer surfaces of these panels correspond to sections of the balls — anticipates the Applicants’ claims; and
- (b) an indentation in the inner surface of a top panel and a plurality of protuberances in the top surface of the bottom panel shown in FIG. 4 of JP 1-265979 somehow render these panels convex . See final Office action, page 2.

With respect to the rejections based on Ou, Applicants have previously pointed out that this reference is utterly silent with respect to the curvature of the cover panels. Ou focuses on multi-layer panels for basketballs configured “so as to construct a basketball not only retaining the original characteristic of durable [sic], hardness and toughness but also containing new characteristics of being easier to grip and having better rebounding feature.” See Ou, col. 2, lines 2-5. To that end, Ou’s basketball includes a bladder carcass with a plurality of projection ribs integrally protruded to define eight leaf shape panel recesses surrounding by the ribs. Each of the ribs is structured to form two extending inclined edges for each panel recess, so that each of the ribs has a slightly narrower root and a slightly wider top end. The basketball further includes eight leaf shaped cover panels having a shape of each of the panel recesses adapted to adhere in the eight panel recesses. See Ou, col. 2, lines 10-35. In the specification, Ou discloses in detail a variety of features of the panels, including specific configuration of the edges, the panels’ contour, as well as overall thickness of the panels and its component layers, but – not surprisingly – fails to address their curvature since there is none.

The Examiner, nevertheless, disregarded a lack of teaching of convex panels in Ou’s description and heavily relied on the reference’s drawings, allegedly depicting convex structures. Ou, however, does not indicate that the panels shown in FIG. 4, 5, 6, and 7A-7D are depicted in their free state before attachment thereof to the underlying supporting structure of the basketball. To the contrary, *as a whole*, these drawings depict sectional view of the assembled basketball according to various embodiments of the Ou’s invention. See Ou, col. 2, lines 36-64 (“Brief Description of the Drawings” section).

Accordingly, it is clearly improper for the Examiner to glean from this reference that the panels are manufactured by being formed generally convex, as recited in Applicants’ claims.

Finally, none of Giesen, Boutle, or GB 1,095,969 cure the deficiencies of the primary references with respect to the independent claims.

CONCLUSION

Applicants respectfully submit that, in light of the foregoing remarks, the rejections of record are clearly improper. A favorable action is requested.

Respectfully submitted,



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